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# Standing Committee on the Legislative Assembly

## Report on Appointments in the Public Sector

2nd Session 33rd Parliament  
35 Elizabeth II





LEGISLATIVE ASSEMBLY  
ASSEMBLÉE LÉGISLATIVE

TORONTO, ONTARIO  
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The Honourable Hugh Edighoffer, M.P.P.,  
Speaker of the Legislative Assembly.

Sir,

Your Standing Committee on the Legislative Assembly has the honour to present its Report and commends it to the House. Pursuant to Standing Order 32(d), your Committee requests that the Government table a comprehensive response with respect to the recommendations contained herein.

Michael J. Breaugh, M.P.P.  
Chairman



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## I. INTRODUCTION

The Standing Committee on Procedural Affairs and Agencies, Boards and Commissions was appointed on July 10, 1985, to comprise eleven members drawn from each of the political parties in proportion to their representation in the House. In addition to providing the Committee's continuing mandate to review the Legislative Assembly's practices and procedures the House ordered the Committee:

... to examine and report on the methods by which it believes appointments should be made to Agencies, Boards and Commissions to which the Lieutenant Governor-in-Council makes some or all the appointments, and all corporations in which the Crown in right of Ontario is a majority shareholder.<sup>1</sup>

This mandate was taken up by the Standing Committee on the Legislative Assembly when new provisional Standing Orders came into effect on April 29, 1986.<sup>2</sup>

In preparation for its consideration of how public appointments should be made in Ontario, your Committee undertook to examine the appointment process in the United States by visiting the state legislatures in Albany, New York and Sacramento, California, as well as the United States Senate in Washington, D.C. While the Committee took note of the differences between our parliamentary and the American congressional systems of government, it did gain useful insights into the American appointment process that have helped the Committee in its deliberations. In addition, your Committee decided that the participation of the Ontario public in the

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<sup>1</sup>See Appendix A for the complete text of the terms of reference of the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions.

<sup>2</sup>See Appendix B for the complete text of the terms of reference of the Standing Committee on the Legislative Assembly.

Committee's review would be instructive. Therefore, it invited public submissions and held public hearings during January 1986. The Committee wishes to thank those individuals and representatives of various organizations who submitted briefs or who appeared before the Committee to give their comments and views.<sup>3</sup>

The Committee wishes to express its appreciation to the Clerk of the Committee, the Assistant Clerks of the Committee and the Research Officer for their assistance and dedication to the work of the Committee.

The recommendations contained in this report represent a consensus of opinion rather than complete agreement on every issue that was before the Committee. While each member of the Committee may not agree with every recommendation, your Committee is pleased to present a report that each member can support.

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<sup>3</sup>See Appendix C for a list of submissions and witnesses.

## II. COMMITTEE'S TERMS OF REFERENCE

The Committee, as has been already stated, was empowered to make recommendations with respect to how public appointments should be made to agencies, boards and commissions of the Government of Ontario, including corporations that have the Government of Ontario as the majority shareholder. In interpreting its terms of reference, the Committee will exclude from its review the order-in-council appointment of deputy ministers and judges appointed to the bench. Moreover, some 700 to 800 or more appointments made by ministers to various agencies, boards of inquiry and arbitration boards will not be reviewed by the Committee since these appointments are made exclusively by ministers pursuant to statutory or other authority. In addition, there are a large variety of task forces and ad hoc committees created by ministers on their own initiative. These, too, are not within the Committee's terms of reference.

Appointments that do come within the Committee's terms of reference are those for which, irrespective of who nominates the particular individual, formal approval for the appointment must be made by Cabinet through the issuance of an order-in-council. Within this group of public appointments, there are approximately 2,500 individuals appointed to over 500 or more agencies, boards and commissions. The types of agencies to which these appointments are made range from regulatory agencies to advisory agencies, from administrative bodies to Crown corporations. Some provide a service or make a product, others hear appeals or conduct reviews with respect to administrative decisions, while others provide special advice to government on a variety of matters. Whether large or small, each affects the Ontario public in some way. Until comparatively recently, agencies, boards and commissions have not received a great deal of public attention. However, over the past several years, agencies have come under closer scrutiny by the Government of Ontario and by the Ontario Legislature. Various proposals and recommendations have been made to improve the functioning of agencies.

The Committee believes that its review of public appointments to Ontario's agencies and the recommendations that flow from it are a continuation of the effort to bring Ontario agencies to fuller public view and to ensure their accountability to the public and the Ontario Legislature.

Recommendations with respect to appointments to Ontario agencies, boards and commissions will be discussed in Section IV of the report. In addition to the previously described appointments, the Committee will review and make recommendations as to how senior officers of the Legislative Assembly of Ontario and officials reporting to the Assembly through the Speaker should be appointed. The review of these appointments is derived from the Committee's general mandate to review the practices and procedures of the House. Recommendations with respect to these officers and officials will be discussed in Section V of the report. The next section will deal with several background issues in order to place the Committee's recommendations in perspective.

### III. BACKGROUND ISSUES AND PERSPECTIVES

#### Past Reviews of Ontario Agencies, Boards and Commissions

Over the last forty years, agencies, boards and commissions of the Government of Ontario have grown to a significant number, well over 500 by the latest count. A variety of problems for government and the Ontario Legislature has resulted from this proliferation, not the least of which is monitoring the exact number of agencies that exist at any given time. However, beyond keeping an accurate count of agencies, more serious issues have been raised by their proliferation, with, perhaps, the most central one being that of accountability and control.

Agencies are created for a variety of reasons to exist at "arms length" from government. More specifically, each agency is given a separate administrative structure, its own board of directors or some other executive body and a mandate to pursue certain objectives or fulfill certain functions. However, once created at "arms length" from regular government ministries or departments, the problem arises as to how independent these agencies should be from ministerial control and what accountability relationships should exist between a particular agency and the ministry under which that agency falls. Moreover, what is the role of the Legislature in fulfilling its function of scrutinizing the actions of the government of the day, and how does this function apply to agencies?

These and related issues have been the subject of several studies conducted in Ontario over the last decade or so. Thus, in 1974 Management Board of Cabinet issued a major report on Ontario agencies, boards and commissions, which directed its attention to such matters as classifying agencies, and establishing accountability and control mechanisms through the advent of the Memorandum of Understanding which details the relationship of certain agencies with their respective ministries. The intent of Management Board's recommendations was to define how closely agencies were to operate

and function within the overall structure of government. To carry the process of reviewing agencies further, the Government in the late 1970s established an Agency Review Committee which issued three reports that made recommendations with respect to eliminating agencies, "sunsetting" agencies and what procedures should be followed in establishing new agencies.

During this same period, the involvement of the Ontario Legislature in the operations of agencies, boards and commissions was strengthened when the House, in 1978, mandated the Standing Committee on Procedural Affairs, then the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions, and now under the new provisional Standing Orders, the Standing Committee on Government Agencies, to review all Ontario agencies with respect to their operations, with the power to recommend the termination of an agency if the Committee found duplication of functions. Some seventy-nine agencies have been reviewed to date.

Until now, the issue of how appointments to agencies are made or should be made has not been the subject of a general review by this or any other committee of the Legislature.

Thus, the Committee's mandate from the House to examine the public appointment process with respect to agencies is a continuation of the work already done by the Government of Ontario and the Ontario Legislature to make agencies more accountable and more open to public scrutiny.

### **The Power of Appointment**

In Ontario, as in other jurisdictions with legislatures modelled on the Westminster system of parliamentary government, the government of the day, through Cabinet, has possessed the right to appoint individuals to agencies, boards and commissions. This power to appoint derives from what is termed Crown prerogative. Originally, the term applied to the executive powers exercised at the discretion

of the sovereign. Today the prerogative powers cannot, with but a few exceptions, be exercised without the advice of the Executive Council, that is the Cabinet. In modern constitutional parlance, Crown prerogative refers to those powers which are exercisable by a government without the express authority of Parliament or the legislature. With respect to public appointments, this would mean that individual appointments do not have to be formally approved or confirmed by the legislature, in the fashion of the U.S. congressional system.

A Parliament or legislature can abrogate a prerogative right by statute. However, where a legislature merely regulates a prerogative power, that power is suspended but not abrogated. In Ontario no statute has been passed by the Legislative Assembly which has eliminated the Cabinet's right of appointment, though various statutes creating agencies expressly provide for the appointment of individuals to that agency by the Lieutenant Governor-in-Council, that is by the Lieutenant Governor on the advice of Cabinet. Where enabling legislation provides for such appointment by the Lieutenant Governor-in-Council, the Legislative Assembly has expressly recognized the prerogative power of the Crown. In other instances, various statutes may delegate the Crown's appointment power to the Premier or individual ministers, who then possess the discretion to appoint.

When an appointment is to be made, an order-in-council is drawn up and signed by the Lieutenant Governor, the Premier or minister and the Clerk of the Executive Council. Once signed, this document has the force of law.

To this point the formal, constitutional aspects of the prerogative of appointment have been described. In informal, political terms, the power to appoint may be exercised by those in Cabinet who have the greater political influence and power. In this regard the Premier would clearly have the final decision with respect to any appointment.

However, individual ministers may also share in the final decision making, either in those circumstances where a statute gives the minister the discretion to appoint or where the political influence of the minister is decisive.

In reviewing the prerogative power of appointment, the Committee will make no recommendation to change or abrogate the right of the government of the day to make appointments to agencies, boards and commissions. The Committee accepts the principle that appointments, under our parliamentary system of responsible government, should be made by the government of the day. However, the Committee, having accepted this position, has concluded that the Ontario Legislature should have a role in the appointment process. As will be detailed later in this report, the Committee believes that an opportunity should be provided to the Legislature to review appointments in order that it may play a more active role in the appointment process than has been the case hitherto.

### **Overview of Different Types of Appointments**

In reviewing the approximately 2,500 order-in-council appointments that come within its terms of reference, the Committee was able to distinguish a variety of different types of appointments, periods of service, remuneration, size of membership and part-time and full-time positions. In turn, these appointments are made to a variety of different types of agencies: here we can identify Crown corporations, advisory bodies, regulatory agencies and quasi-judicial tribunals, research institutes, agricultural marketing boards, financial agencies, cultural institutions and agencies, teaching institutions, hospitals, local authorities and self-regulating professional bodies. While, as previously stated, the Government of Ontario has sought to bring order and consistency to the way agencies are created, there still exists considerable variation.

If we look at those who are appointed by different categories, we find for instance that there are some two dozen agencies to which civil

servants are appointed, in some cases as chairmen, vice-chairmen or both. It was not clear to the Committee whether the appointment of civil servants reflects a particular need for civil service expertise or whether the particular ministry under which the agency fell believes that for policy reasons a civil servant would perform more effectively than someone appointed from the private sector. In some cases, the order-in-council appointing an individual to an agency or board confirms the election or nomination of that individual by a particular group, association or professional body. In the case of other agencies, the appointment of a particular individual is clearly meant to be representative of a particular industry or profession. There are also agencies to which judges are appointed in addition to any other category of individuals. In most instances, these agencies deal with matters that require extensive legal experience. The Committee makes these observations recognizing that the recommendations it makes later in the report will not seek to take into account the particular idiosyncrasies of each agency's membership profile. The Committee expects that where these different categories of appointments are made, the Committee's recommendations will apply subject to the particular requirements of individual agencies.

With respect to periods of service, the Government of Ontario has established a policy, where discretion permits, of limiting periods of service to three years with an additional reappointment for another three years. The maximum length of service under this policy is six years. In some cases, however, the length of service is established by statute and depending on the wording in the legislation the maximum periods can vary from one agency to another. The Committee supports the policy of three-year appointments with one reappointment. It wishes, however, to point out that there is a value to be placed on continuity of expertise of members appointed to Ontario agencies. Therefore, the Committee would favour the staggering of the three-year appointments so that at least one-third of the members of an agency have had previous experience with that agency. In other words, the three-year appointments would be

staggered so that not all the members were terminated on the same day.

The remuneration of members appointed to Ontario agencies, boards and commissions varies greatly over the broad spectrum of agencies cited previously. Starting at one end of the spectrum, there are agencies where the members receive no remuneration whatsoever, not even expenses for attending meetings, while other agencies reimburse their members' expenses when attending meetings of the agency. There is another group of agencies that provides, in addition to expenses, a per diem sum for attending meetings. The per diem rates vary greatly between agencies, not only with respect to the ordinary members but also with respect to the rate received by chairmen and vice-chairmen. The minimum per diem rate for ordinary members is \$75 while the rate for some chairmen can be as high as \$800. The average per diem is about \$150. By far the vast majority of appointments are to part-time positions. There are, however, also positions, usually the chairman, and sometimes the vice-chairman, that are full-time. In these instances, the chairman and vice-chairman receive salaries that correspond to an appropriate equivalent in the civil service. At the higher end of the scale, the salary would be in the deputy minister range.

The Committee appreciates that there may be sound reasons why, in exceptional circumstances, there should be different rates of remuneration for members of an agency. At the same time, however, the Committee has noticed some inconsistencies in the pattern of remuneration, particularly with respect to variations in per diem rates. The Committee feels that it may be appropriate for Management Board of Cabinet to review these rates to ensure consistency.

#### **Principles of a New Public Appointment Process in Ontario**

As noted previously in this report, the problems associated with the proliferation of agencies, boards and commissions in Ontario has over the last decade prompted the Government of Ontario and the

Legislative Assembly to deal with these problems in a more systematic way. The emphasis has been on accountability and control to ensure that Ontario agencies operate in the public interest. The impetus for changing the way appointments in the public sector are made in Ontario can be viewed as part of this general concern to bring the operations of agencies under more governmental and public scrutiny. At the same time, the issue of public appointments raises broader issues about the nature of the democratic process in Ontario.

A feature of parliamentary democracy that has been put forward as constituting one of its vital elements is that of representativeness. This notion of representativeness has several dimensions, though, in the context of public appointments, it has the meaning that those making decisions in the public interest should be representative of the social and political interests existing in the community. The importance of this proposition is evident in the context of a pluralistic liberal democracy that Ontario and Canada have become, more so, perhaps, as a result of the Charter of Rights and Freedoms.

In essence, the concept of pluralistic democracy embodies the notion that all groups and individuals have a right to participate in the political process, to seek as best they can to influence political outcomes whether at election time, through the media or by influencing politicians and other political decision makers. In practical terms the issue centres on how this theoretical proposition is institutionalized; that is, how the theory can be given practical effect. In the Committee's view, the principles of democratic pluralism should be incorporated in the appointment process. The Committee has come to this conclusion as a result of its reflection on the evolution of Ontario society over the last forty or more years.

It is evident to the most casual observer that Ontario is a multicultural, multi-ethnic society, constituted of many individuals with varied backgrounds, languages and cultures. They have made and increasingly will make major contributions to the life of the province.

The Committee notes, however, that the political process in Ontario has not always actively sought to include members of Ontario's ethno-cultural groups when public appointments are considered. This is borne out by the testimony the Committee heard during its public hearings. There was a general consensus of the representatives of the groups that appeared before the Committee that appointments in the public sector should reflect the multicultural diversity of Ontario.

In the same vein, representatives of various Ontario francophone groups pointed out to the Committee that the Franco-Ontarian community is underrepresented on Ontario agencies, boards and commissions, despite the fact that the Government of Ontario has made commitments to extend French language services and make government institutions more accessible to Ontario's francophone community. The Committee feels that there are a wide range of agencies, boards and commissions that affect the Franco-Ontarian community to which more francophone appointments should be made.

Ontario's diversity is also reflected in its native peoples, who have too often been neglected by the political process, yet who have a legitimate claim to representation. Nor can the elderly or handicapped be overlooked. Each has a contribution to make to the public policy process. The Committee is also sensitive to the claims of women. Their demands for equal opportunities to serve need to be fully recognized in the public appointment process. Nor can representatives from labour and business groups be neglected. Each would bring experience and expertise that would be invaluable to most agencies, boards and commissions.

The Committee was convinced by the testimony it heard during its public hearings that one of the principle objectives of the public appointment process in Ontario should be that such appointments reflect the demographic, socio-economic and multicultural diversity of Ontario. This is not to suggest that the Committee expects the introduction of any forms of affirmative action, quotas, or other systems of control to ensure broad representativeness. In many instances the nature of the agency would preclude such an approach.

For example, it would be difficult to insist on broad representation for such agencies as professional self-regulating bodies, marketing boards and other similar agencies. Moreover, with some agencies the small number of members would preclude broad representation. The Committee, nevertheless, strongly feels that the Government of Ontario should make every effort to make public appointments that reflect Ontario's diverse population.

In support of the proposition that order-in-council appointments reflect Ontario demographic diversity, the Committee has adopted openness as the first principle of a new appointment process. Everyone in Ontario who has an interest in serving on Ontario's agencies, boards and commissions should be able to apply for a particular position. A complete list of all order-in-council appointments should be publicly accessible, as should the qualifications for selection. In broad terms, the Committee proposes that the Ontario public be invited to apply for public appointments. While the Committee accepts this proposition as valid and appropriate, it is mindful of practical realities. Not everyone in Ontario will want to apply. Clearly those individuals who have a particular political commitment to the political process will find serving on an agency, board or commission more attractive. Such service will not be within everyone's capacity, given that it would require familiarity with and knowledge of particular policy issues, expertise that is not cost free. Usually those individuals that are already involved in some way in the political process will have the motivation to acquire the necessary knowledge and expertise to deal with the issues that confront particular agencies. Moreover, such individuals will probably have less difficulty juggling their regular employment commitments and the demands of an agency.

In addition to recommending that public appointments be made open, the Committee will also make recommendations concerning the selection process. It wishes to emphasize that selection should be the result of a fair and equitable process that places stress on appropriate qualifications. The Committee believes that the public interest is

best served when qualified individuals are appointed to Ontario's agencies, boards and commissions. Those who are appointed feel a better sense of accomplishment if they have the knowledge or expertise to deal with the matters before an agency. The public gains a better respect for public institutions when it knows or deals with individuals who are qualified to make decisions. This is not to suggest that the Committee envisages only professional experts to be appointed.

On the contrary, the Committee believes that ordinary Ontario citizens as a result of their work experience, interests and accumulated knowledge and experience will have the necessary qualifications for appointments to Ontario agencies. At the same time, the Committee does not expect that only non-partisan appointments will be made. Those involved directly with particular political parties often have excellent qualifications, and the Committee would not want to discourage their participation in the public life of Ontario.

The third principle which forms the basis of the Committee's recommendations is that of accountability. The Committee has already recognized that the government of the day has the prerogative right to make all order-in-council appointments. However, the Committee feels that the role of the Ontario Legislature in the appointment process can be enhanced without at the same time taking away the Crown's prerogative right of appointment. The constitutional role of a legislature in our parliamentary system is to ensure the accountability of government by scrutinizing its actions, policies and programs, with the larger purpose of such scrutiny being the formulation of better decisions and better policies. In this context, the Committee will make recommendations that will give the Ontario Legislature, through its committees, the opportunity of scrutinizing order-in-council appointments.

#### IV. NEW PUBLIC APPOINTMENT PROCESS: RECOMMENDATIONS

##### Nominating Process

In order that the general public be able to apply for public appointments to Ontario's agencies, boards and commissions, the Committee is of the opinion that the master list of order-in-council appointments, which has now been published, should receive wide dissemination throughout the province. It should be made available in the offices of the Government of Ontario ministries and agencies, MPP constituency offices, municipal offices, public libraries, chambers of commerce and labour councils. The vehicle for its public dissemination should be The Ontario Gazette, a monthly register of government information. This publication already has wide distribution and contains announcements of order-in-council appointments. The Committee would expect that in addition to continuing to publish on a monthly basis all new order-in-council appointments, The Ontario Gazette would each year publish a special edition that would contain the master list of agencies and all order-in-council appointments. Each agency would be named, the agency's enabling legislation or other statutory authority would be cited, and the type of agency would be identified as is the case with the master list now. Moreover, as is now, the names of incumbents, their length of office and what salary or per diem is attached to the positions would be provided. In addition, the Committee believes it would be helpful to the public if there was one paragraph which described the functions of the agency and another paragraph setting out in general terms the qualifications or background required to fill these positions.

The preface to the special edition of The Ontario Gazette would indicate the address to which an interested person could write to ask for an application form. Moreover, in the preface it would be explained that the provisions of the Charter of Rights and Freedoms and the Ontario Human Rights Code would apply, as would any other relevant anti-discrimination legislation. As well, it is the

Committee's expectation that any databank created to receive applications would be governed by any personal privacy provisions that would be contained in any future legislation. Consequently, the preface to The Ontario Gazette would state the conditions under which this personal information would be collected and disclosed.

The advantages of using the existing vehicle of The Ontario Gazette are: it is a publication already in existence and known in the community; it would be more cost effective than to create a separate vehicle or publication; and updating the master list would be relatively more efficient through The Ontario Gazette since it already publishes updates of regulations, changes in appointments and other relevant information. Moreover, all this information could be retrieved through one source rather than through a number of different sources.

Your Committee, therefore, recommends that:

1. The Government of Ontario publish a special edition of The Ontario Gazette at least once a year, containing the master list of all agencies and order-in-council appointments and that this special edition be broadly distributed throughout the province.

In order to ensure public awareness of the appointment process, the Ontario Government would each year, appropriately at the beginning of the calendar year, take out advertisements in the print media indicating that individuals may apply for order-in-council appointments by making application to an appointments secretariat, which will be discussed later in the report. The advertisement would repeat what was contained in the preface of the special edition of The Ontario Gazette.

Your Committee, therefore, recommends that:

2. The Government of Ontario at the beginning of each calendar year advertise an invitation to the public to apply for public sector appointments.

In making the above recommendation, the Committee would not want to limit public information to just this mechanism. It would advise that individual agencies provide brochures that explained the function of each agency, the basic requirements for appointment to each agency and how individuals can apply for appointment.

While not obligatory, the Committee envisages that most interested individuals seeking an appointment would approach their local MPP who would provide assistance and guidance to potential applicants with respect to filling out the application form, deciding on appropriate qualifications and choosing the right agency, board or commission. This role could extend to the MPP writing letters of reference on behalf of the applicant. The Committee feels that the public should use MPPs on its behalf, given their knowledge of the political process and the institutions and personalities at Queen's Park.

The application form itself would require the name and address of the applicant, as well as his or her educational background, employment history and any special experience that would be suitable for the particular position sought. In addition, the form would require the applicant to sign a declaratory statement with respect to such questions as whether the applicant has a criminal record or whether the individual's financial position and interests would place him or her in a position of conflict of interest if that person were to serve on a particular agency or board. The Committee does not envisage, as it saw in the United States, the use of intensive checks by police authorities, or that individuals would have to fill out comprehensive financial disclosure statements. The form would ask that the individual sign a release form, operative for one year, permitting the responsible government ministry to make routine background checks. The Committee anticipates that in the future Ontario will have legislated personal privacy provisions which will ensure that any personal information required by this application form would be protected from disclosure to third parties, except under specific circumstances. However, the individual to whom the information relates would ordinarily have access to his own file. These legislated

privacy provisions the Committee believes should be acknowledged in any application form devised for public appointments.

Your Committee, therefore, recommends that:

3. The Government of Ontario create and distribute an appropriately devised application form to be used for order-in-council appointments to Government of Ontario agencies, boards and commissions.

The application form, once filled out, would be sent to an appointments secretariat that would process the applications, store them in a databank and make them available to those within government who would be charged with making the final decision as to whom should be appointed.

As it has already stated, the Committee appreciates the fact that order-in-council appointments are the prerogative of the Crown; that is, it is the Lieutenant Governor on the advice of Cabinet who makes the formal decision to appoint someone to an agency, board or commission. Informally, of course, ministers under whose portfolio an agency falls would have considerable input as to the ultimate choice. The Premier would have the final decision. The Committee does not believe that this internal government process should be changed.

The Committee, however, does believe that the initial processing of application forms should be the responsibility of some central body. The central body that the Committee envisages will operate as a distinct and separate appointments secretariat reporting to the Office of the Premier. The function of the appointments secretariat would be to receive all application forms, process them and store them in a databank specially designed for the purpose. The secretariat itself, however, would have no decision making functions. The personnel employed in the secretariat would not vet or make any preliminary selection of candidates. Those who actually made the decisions as to particular appointments, the Premier, ministers and others delegated

the task, would have access to all the files kept by the secretariat and, as will be discussed later, members of the Ontario Legislature would also have the same access.

The Committee believes that a separate and distinct appointments secretariat should be created in order not to leave the public with the impression that the nominating and application process is under the personal control of the Premier. This would require that the existing appointments staff in the Office of the Premier be constituted as a semi-independent entity, reporting to that office.

Your Committee, therefore, recommends that:

4. A separate and distinct Appointments Secretariat be created reporting to the Office of the Premier and that this secretariat function as a central application processing centre.

The new Appointments Secretariat would be charged with processing application forms from the public with respect to order-in-council appointments. This processing would involve placing names of applicants and their particulars in a databank. The databank would be organized under each agency, board or commission, much the same way as the master list, with each applicant's particulars filed under the agency which is of interest to the applicant. Where no specific agency was applied for, the computerized data system would be able to cross-match the individual's qualifications with agencies that require those qualifications.

In addition, after each individual's particulars, the Appointments Secretariat would enter whether further information was required of the person, and by whom; whether the individual was given some preliminary interview and by whom; and if the person was appointed to the agency. The provisions of any privacy legislation would apply to such a databank with respect to the confidentiality and disclosure of personal information in the databank. However, since most interested individuals would approach their local MPP for advice and

recommendation, the Committee believes that it would be appropriate for the Appointments Secretariat to notify the local MPP of all the nominations that were considered from each MPP's riding.

Your Committee, therefore, recommends that:

5. The Government of Ontario having established an Appointments Secretariat create a databank to receive applications for order-in-council appointments and that the databank be organized in a way that would permit monitoring of a person's applications, and that the databank come within the scope of any privacy legislation.

#### Selection Criteria

As the Committee has already noted, it expects that any new method of appointments in the public sector will give particular emphasis to selecting candidates that represent a cross-section of the Ontario public. To reiterate its position, the Committee believes that Ontario's diverse demographic and cultural make-up should be represented on Government of Ontario's agencies, boards and commissions. In particular, the Committee wishes to single out such groups as Franco-Ontarians, the various ethno-cultural groups, native peoples, women, the elderly, the handicapped, as well as those representing labour and the business community. The Committee, however, as it has already stated, does not expect the establishment of quota systems or affirmative action programs. Such programs would be difficult to implement administratively given the limited size of most agency memberships, and the special requirements of other agencies. However, the Committee does believe strongly that every opportunity should be taken by the Government of Ontario to appoint as many individuals of different backgrounds as is possible.

Your Committee, therefore, recommends that:

6. The Government of Ontario make a commitment to appoint individuals to Ontario agencies, boards and commissions that represent a cross-section of the Ontario public.

Another criterion the Committee believes should form part of the basis for selection is appropriate qualifications. By this the Committee does not mean that applicants should only possess some narrow educational or work related expertise. Rather applicants should have some combination of education, work experience and community involvement that would enable them to work within the mandate of a particular agency, board or commission. The Committee's expectation is that those individuals who have demonstrated some commitment to some form of public service would apply and would be seriously considered for an appointment. It would be appropriate in this context, the Committee believes, for a general overview of an agency's mandate to be developed along with a broad description of the kind of qualifications that would be appropriate for service on a particular agency, board or commission. The outline of an agency's mandate and the qualifications for service would be included in the master list of agencies and order-in-council appointments that would be published each year in The Ontario Gazette. This procedure would provide the public with an outline with which to judge their interest and abilities to serve on a particular agency.

Your Committee, therefore, recommends that:

7. The Government of Ontario establish an outline of the mandates of all Ontario agencies, boards and commissions, and a general description of the qualifications to fill the positions on these agencies.

#### **Announcement and Tabling of Order-In-Council Appointments**

Once the internal decision making processes have been completed by those responsible in government, the Cabinet will issue an order-in-council formally appointing a person to a position on an agency, board or commission. The Committee will recommend that that order-in-council be tabled in the House immediately after it is signed by the Lieutenant Governor. However, the appointment would not take effect until the elapse of sixty days from the time the name of the appointee was tabled in the House. This ~~sixty~~-day delay would

permit the Legislature and its committees the opportunity of reviewing the appointees.

The Committee envisages that legislative review of a particular appointment would be a rare occurrence. As we shall see in the next section of the report, committees of the Legislature will be allowed thirty days within which to decide whether to review an appointee. If a committee decides not to review an appointment, then that appointee should be able to take up his or her position on the expiration of the thirty days. The Committee envisages that order-in-councils under this proposal will incorporate these two time-periods.

To summarize, once a decision has been made to appoint someone to an agency, board or commission, an order-in-council to that effect will be issued, but the effective date of that appointment will be delayed for sixty days from the time a copy of the order-in-council is tabled in the House. When the House is not sitting, the copy would be tabled with the Office of the Clerk. As we shall see committees will still have the opportunity to review appointments even when the House is not sitting.

Your Committee, therefore, recommends that:

8. All orders-in-council dealing with appointments to Government of Ontario agencies, boards and commissions be tabled in the House, and when the House is not in session with the Office of the Clerk and that such orders-in-council not take effect until sixty days have elapsed from the date of tabling, or thirty days if a standing committee to which an order-in-council appointment was referred decides not to review the appointment.

#### **Review of Public Appointments by the Legislature**

The Committee believes that the role of the Ontario Legislature in this new appointment process would be to act in its traditional role of scrutinizing the actions of government. This would not interfere with

or abrogate the right of the Government to make appointments. Rather, the Committee views the role of the Legislature as strengthening the new appointment process by ensuring its fairness and openness.

Following on the recommendation in the previous section of this report, once an order-in-council appointment was tabled in the House, it would be referred, by the customary procedures, to the appropriate standing committee. Thus, agencies coming within the Justice, Social Development, Resource Development and General Government policy fields would have their appointments referred to the corresponding policy field committees of the Legislature. Each committee would have thirty days in which to decide whether to review a particular appointment or not. In order to expedite the work of a committee, the use of sub-committees to make these decisions would be appropriate.

As was already stated, if a committee chose not to review an appointment, then the order-in-council would take effect automatically after thirty days.

Your Committee, therefore, recommends that:

9. **Committees of the House be allowed thirty days in which to decide to conduct a review of order-in-council appointments.**

If the House is not in session and the order-in-council is tabled with the Office of the Clerk, the Committee envisages that the same procedures would apply as when the House is in session. Committees will have to be given the power to review appointments at any time irrespective of whether the House is in session or not. This matter would be resolved if standing committees' terms of reference were permanently incorporated in the Standing Orders.

Your Committee, therefore, recommends that:

10. Committees of the Ontario Legislature be given the authority to review appointments when the House is in session and when the House is not in session.

Given that there are approximately 2,500 order-in-council appointments that come up for reconsideration every few years, the Committee does not anticipate or expect that the standing committees would wish to review every single appointment. It is quite conceivable that if they were engaged in such an exercise they would conduct no other business but reviewing appointments. Rather, the Committee recommends that, in order to ensure uniformity of procedures by all committees, the following criteria be adopted when committees decide to review an appointment. First, they would consider the objective criteria, that is the characteristics of an agency, its functions and whether it was funded out of the Consolidated Revenue Fund, and whether or not it follows the policies of the Manual of Administration? Answers to these questions should result in the conclusion that agencies which are not closely tied to the government because they do not receive government funding, or follow the policies of the Manual of Administration or whose activities do not impact broadly on the Ontario public should not be given a high priority by a standing committee when it is considering reviewing these agencies' appointments. The Committee believes that the vast majority of agencies could not meet all these criteria. On the other hand, the Committee believes that there is a small group of agencies which would meet these criteria. For example, in this category would be Ontario Hydro, the various Crown corporations such as the Ontario Energy Corporation and Ontario Place Corporation, regulatory agencies such as the Ontario Labour Relations Board and the Ontario Securities Commission, and administrative agencies such as the Ontario Housing Corporation or the Toronto Area Transit Operating Authority.

Your Committee, therefore, recommends that:

11. Committees when deciding which appointments to review consider the degree to which the agency is integrated with government and the extent to which the activities of the agency impact on the Ontario public.

In addition to the objective criteria, committees would also consider subjective criteria. Does the person appointed have the necessary qualifications, does the person have a criminal record, is there a financial conflict of interest or are there other aspects of the person which would not make him or her suitable for the position? The Committee believes that committees of the Legislature are not in a position to investigate such matters on their own initiative. Nevertheless, the Committee believes that committees should have access to such information. What the Committee proposes is that the information stored on each individual in the databank kept by the Appointments Secretariat be made available to a committee reviewing the appointee. The reviewing committee would receive this information in confidence, and having done so it would reassure itself that the appointee did not in fact have a criminal record nor was in a position of conflict of interest. The Committee wishes to emphasize that when committees have access to the personal files of an appointee, it is the duty of the members to keep such personal information confidential.

Your Committee, therefore, recommends that:

12. The information kept by the Appointments Secretariat on individual appointees be made accessible by a legislative committee.

Having satisfied itself that a particular appointee did not in fact have a criminal record or conflict of interest, a standing committee could then decide that in view of the applicant's good qualifications, it would not seek a review of that appointment. In such circumstances the committee would not call the appointee to appear before it. Thirty days would elapse and the appointee would take up his or her position on the agency. However, a committee, though satisfied that an appointee had no criminal record nor was in conflict of interest,

could call for a review of the appointee's qualifications or his or her views with respect to the policy issues with which the agency deals. Were a committee of the Legislature to follow this course, it would have thirty days to make up its mind and then another thirty days to make a report to the House. The determination as to whether a committee would review an appointee or not would be based on majority vote of the committee.

Your Committee, therefore, recommends that:

13. A standing committee to which an order-in-council appointment was referred would have thirty days to decide to review an appointment and a maximum of another thirty days to make a report to the House.

#### Committee Procedures

As was already mentioned in the previous section of the report a committee of the Ontario Legislature would have the power to access the information databank kept by the Appointments Secretariat. Such access would be vital for a committee since it could not conduct its own background checks, having neither the necessary staff nor resources for such an exercise.

Once a committee decided to review a particular appointment and had scrutinized the appointee's particulars as received from the Appointments Secretariat, the committee would conduct a public hearing, the normal working rule for committees of the Ontario Legislature. The appointee would be called to testify and other witnesses would have the opportunity to be heard. With respect to any sensitive personal information, the committee would want to hear any evidence in camera.

After conducting its review, the committee would make a report to the House. The report would have to be tabled in the House within thirty days from the time it decided to review the appointment. As was stated in the previous section of the report, an appointee could

take up his or her position once a committee decided not to review the appointment.

Your Committee, therefore, recommends that:

14. Committees reviewing order-in-council appointments have the customary right to call witnesses, hold public hearings and report to the House their views within thirty days from the time they decided to conduct a review.

The Committee believes that a committee's report to the House with respect to any particular appointment should be a simple statement as to whether the committee concurs or does not concur with the appointment. There should be no statement as to the inadequacy or adequacy of a particular appointment. By following this procedure, there would be no public embarrassment to the individual concerned.

Your Committee, therefore, recommends that:

15. A committee tabling a report in the House with respect to an order-in-council appointment should only report that the committee concurs or does not concur with the appointment.

If a committee made a report that did not concur in the appointment, the Committee's expectation is that the Government would view this adverse report as a sound reason to reconsider its appointment.

#### **Appointments Made During an Election Period**

The Committee recognizes that either just before an election is called or during an election period itself, the government of the day will continue to make appointments to Ontario agencies, boards and commissions. In the period before an election is called, the government of the day may decide to make a large number of appointments in anticipation of an election. It may, under these circumstances, be impossible for committees of the Legislature to

deal with the volume of appointments. The Committee sees no method that could be devised for prohibiting a government from making such appointments. Under our system of government, elections could result from a government exercising its prerogative and calling an election prior to its five-year limit, or as a result of losing a vote of non-confidence. Thus, a recommendation that no appointments be made three months prior to election would be of little effect since, in the first instance, such a moratorium would signal an election and secondly, a vote of non-confidence could come at any time during the life of the Legislature.

Under these circumstances, the Committee can only make a case that no government should seek to by-pass the legislative review of appointments in anticipation of an election. No government, therefore, should increase the volume of appointments in a pre-election period.

Your Committee, therefore, recommends that:

16. **The Government of Ontario accept as policy and practice orderly appointments to Ontario agencies, boards and commissions in the period leading up to an election called by the Government.**

The other period when the government of the day may make appointments is when the election writ has been issued and the House has been dissolved. Under these circumstances, legislative committees would no longer exist and, therefore, would not be in a position to review any order-in-council appointments. In order that the legislative review process not be by-passed, the Committee proposes that no new appointments be made during this period, but rather those individuals whose terms would expire during this election period should receive interim continuation of their appointments for three months. This would allow any new government to make new appointments when it took office.

Your Committee, therefore, recommends that:

17. No new appointments to Ontario agencies, boards and commissions should be made after an election writ is issued, and all expiring appointments be continued for a three-month period.

The Committee wishes to make the final point that when a legislative review of an appointment has commenced with the tabling of the order-in-council in the House or a review is in progress by a committee, the intervention of an election would only interrupt the review. The committee would retain the right to continue its review after the election is over. The time periods recommended in this report would commence on the day the House was called into session.

## V. APPOINTMENT OF OFFICERS OF THE HOUSE AND OFFICIALS REPORTING TO THE SPEAKER

### Appointment of Officers of the House

In interpreting its terms of reference, the Committee decided that in addition to reviewing order-in-council appointments to Government of Ontario agencies, boards and commissions, it would also review the appointment of officers of the House and those officials that report to the House through the Speaker. As stated previously, the Committee is undertaking this review under its general terms of reference authorizing it to review the practices and procedures of the Ontario Legislature.

With respect to officers of the House, the Committee will propose that the Clerk of the House, the First Clerk Assistant, the Sergeant-at-Arms, the Administrator and the Executive Director of the Legislative Library be appointed under a new procedure, one which places the final decision with the House itself. The Committee has come to this recommendation on the basis that these officials who serve all members of the Assembly both collectively and individually should be individuals that have the confidence of the members.

Both members and officers would gain in mutual trust and confidence if the House took an active role in the selection and appointment of these officers.

The Committee envisages the appointment process to work as follows. Once a vacancy appeared in any of these positions, the Speaker would authorize the advertisement of the vacancy that would invite qualified individuals to apply. In the Committee's opinion the Speaker would have an active role to play throughout this process. Such a role is commensurate with the Speaker's overall responsibilities for the administration of the Office of the Assembly as stipulated by the Legislative Assembly Act. Moreover, these responsibilities include personnel matters, and with respect to the

senior officers cited above, the Speaker is given the discretion to make recommendations as to who shall fill these positions. The Committee proposes that the Speaker share this responsibility with the appropriate standing committee, namely the Standing Committee on the Legislative Assembly of which the Speaker would be a member. The participation of the Speaker on this Committee would be of vital importance to the selection process, given that the individual chosen would have to work closely with the Speaker not only in matters of administration but also with respect to the workings of the House itself. The Committee would interview the candidates, after the Speaker had prepared a short list for the Committee, and propose a final choice. The views of the Speaker, the Committee believes, would play a major role in the Standing Committee's deliberations. Once a final decision was made, the Committee would table its report in the House and move its adoption. After the House had voted, the Lieutenant Governor-in-Council would issue an order-in-council confirming the appointment.

Your Committee, therefore, recommends that:

18. Vacancies in the Assembly's senior officer class be advertised and that a committee of the Assembly select the qualified candidate, subject to a vote of the Assembly; and that the Speaker be a member of such a committee.

The one exception to this procedure, the Committee feels, should be the appointment of the Administrator of the Assembly. As the title suggests, the Administrator is the senior officer of the Assembly responsible for the implementation of administrative and personnel policies. In this capacity the Administrator advises the Speaker and provides secretariat support to the Board of Internal Economy, the Assembly's policy making body with respect to administrative and personnel matters. The Board is chaired by the Speaker and includes representatives from the Government and the opposition parties. It is the Committee's view that the Board of Internal Economy should have

the responsibility of selecting the Administrator in view of the close relationship that exists between the Administrator and the Board.

The process of selection would work much the same as with other senior officers of the House, except that the Board rather than a Standing Committee would interview the candidates and make a selection. The appointment would then be confirmed by an order-in-council, after a vote in the Assembly

Your Committee, therefore, recommends that:

19. The Administrator of the Assembly be selected by the Board of Internal Economy, and the appointment confirmed by order-in-council.

The Committee does not anticipate any changes to existing personnel and management practices as a result of these recommendations.

#### **Appointment of Officials Reporting to the Speaker**

There are a number of entities that were created to be, in effect, agencies not of the Government of Ontario but of the Ontario Legislature. The officials of these legislative bodies report to the Assembly through the Speaker. There are several appointments in this category: the Ombudsman, the Chief Election Officer, the Chairman of the Commission on Election Contributions and Expenses, the Provincial Auditor and the Commissioners of the Electoral Boundaries Commission.

The Committee believes that appointments to these positions should continue to be the prerogative of the government of the day. However, it wishes to formalize the present somewhat ad hoc procedure whereby the Premier consults the two opposition parties before a choice is made. The formalization would take place via the committee system. That is, the government would nominate a candidate for one of the positions, and on a motion in the House would refer the candidate to an appropriate standing committee. Thus, a

person nominated as Ombudsman would be reviewed by the Standing Committee on the Ombudsman, the person nominated as the Provincial Auditor would be reviewed by the Standing Committee on Public Accounts, and the Chief Election Officer and the Chairman of the Commission on Election Contributions and Expenses would be reviewed by the Standing Committee on Administration of Justice and the Standing Committee on General Government respectively.

Each committee reviewing the nominees for these positions would seek to arrive at a consensus. If consensus could not be reached, the Government would be obligated to consider an alternate choice for the appointment.

Your Committee, therefore, recommends that:

20. With respect to the appointment of officials reporting to the Legislature through the Speaker, the Government table the nominee's name in the House and refer the nominee to an appropriate standing committee, and that failing consensus in the committee on the nominee's appointment the Government would nominate an alternate choice.

## VI. SUMMARY OF RECOMMENDATIONS

1. The Government of Ontario publish a special edition of The Ontario Gazette at least once a year, containing the master list of all agencies and order-in-council appointments and that this special edition be broadly distributed throughout the province.
2. The Government of Ontario at the beginning of each calendar year advertise an invitation to the public to apply for public sector appointments.
3. The Government of Ontario create and distribute an appropriately devised application form to be used for order-in-council appointments to Government of Ontario agencies, boards and commissions.
4. A separate and distinct Appointments Secretariat be created reporting to the Office of the Premier and that this secretariat function as a central application processing centre.
5. The Government of Ontario having established an Appointments Secretariat create a databank to receive applications for order-in-council appointments and that the databank be organized in a way that would permit monitoring of a person's applications, and that the databank come within the scope of any privacy legislation.
6. The Government of Ontario make a commitment to appoint individuals to Ontario agencies, boards and commissions that represent a cross-section of the Ontario public.
7. The Government of Ontario establish an outline of the mandates of all Ontario agencies, boards and commissions, and a general description of the qualifications to fill the positions on these agencies.
8. All orders-in-council dealing with appointments to Government of Ontario agencies, boards and commissions be tabled in the House, and when the House is not in session with the Clerk's Office and that such orders-in-council not take effect until sixty days have elapsed from the date of tabling, or thirty days if a standing committee to which an order-in-council appointment was referred decides not to review the appointment.
9. Committees of the House be allowed thirty days in which to decide to conduct a review of order-in-council appointments.
10. Committees of the Ontario Legislature be given the authority to review appointments when the House is in session and when the House is not in session.
11. Committees when deciding which appointments to review consider the degree to which the agency is integrated with government and the extent to which the activities of the agency impact on the Ontario public.

12. The information kept by the Appointments Secretariat on individual appointees be made accessible by a legislative committee.
13. A standing committee to which an order-in-council appointment was referred would have thirty days to decide to review an appointment and a maximum of another thirty days to make a report to the House.
14. Committees reviewing order-in-council appointments have the customary right to call witnesses, hold public hearings and report to the House their views within thirty days from the time they decided to conduct a review.
15. A committee tabling a report in the House with respect to an order-in-council appointment should only report that the committee concurs or does not concur with the appointment.
16. The Government of Ontario accept as policy and practice orderly appointments to Ontario agencies, boards and commissions in the period leading up to an election called by the Government.
17. No new appointments to Ontario agencies, boards and commissions should be made after an election writ is issued, and all expiring appointments be continued for a three-month period.
18. Vacancies in the Assembly's senior officer class be advertised and that a committee of the Assembly select the qualified candidate, subject to a vote of the Assembly; and that the Speaker be a member of such a committee.
19. The Administrator of the Assembly be selected by the Board of Internal Economy, and the appointment confirmed by order-in-council.
20. With respect to the appointment of officials reporting to the Legislature through the Speaker, the Government table the nominee's name in the House and refer the nominee to an appropriate standing committee, and that failing consensus in the committee on the nominee's appointment the Government would nominate an alternate choice.



## APPENDIX "A"

## TERMS OF REFERENCE

STANDING COMMITTEE ON PROCEDURAL AFFAIRS  
AND AGENCIES, BOARDS AND COMMISSIONS

That the following Standing Committees be established for this Session, with power to examine and inquire into all such matters as may be referred to them by the House, with power to send for persons, papers and things, as provided in section 35 of the Legislative Assembly Act: Standing Committee on Procedural Affairs and Agencies, Boards and Commissions - 11 members, with 4 from each of the Government and Official Opposition Parties and 3 from the Third Party, with the Committee appointed for this Parliament to review and report to the House its observations and opinions on the operation of the Standing Orders of the House and such additional matters as may be referred to it by the House or by Mr. Speaker from time to time;

And that the Committee also have the power to examine and report on the methods by which it believes appointments should be made to Agencies, Boards and Commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations in which the Crown in right of Ontario is a majority shareholder;

And that the Committee also have the power to review the operation of all such Agencies, Boards and Commissions, with a view to reducing possible redundancy and overlapping.

**APPENDIX "B"****TERMS OF REFERENCE****STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY****STANDING ORDER 90(h)**

Within the first 10 sitting days following the commencement of each Session in a Parliament the membership of the following standing committee shall be appointed for the duration of the Session:

**Standing Committee on the Legislative Assembly** which is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its committees; to advise the Speaker and the Board of Internal Economy, and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members; and to act as an advisory body to the Speaker and the House on the television broadcast system and to conduct reviews, at least on an annual basis, of the televising of the legislative proceedings and of the guidelines established by the House with respect to the television broadcast system.

## APPENDIX "C"

## EXHIBITS

23 January 1986

Exhibit No. 46                    LYLE LANGABEER  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-2                BRIAN SUTHERLAND  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-3                CARL M. LEWIS  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-4                SMITH AND CHANNAN, Barristers and Solicitors  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-5                MAC McGUGAN  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-6                SUSAN AVERELL  
Brief to the Committee with respect to appointments in the public sector.

Exhibit No. 47-7                Dr. A.K. RAY, D.Sc.  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-8                THE MALTESE-CANADIAN SOCIETY OF TORONTO  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-9                    DONALD G. SIMMONS  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-10                  THOMAS S. MUIR  
Letter and attachments to the Committee with respect to appointments in the public sector.

Exhibit No. 47-11                  NELSON T. BURCHAT  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-12                  ASSOCIATION CANADIENNE-FRANÇAISE DE L'ONTARIO DE PRESCOTT-RUSSELL, INC.  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-13                  ACFO-WINDSOR-ESSEX-KENT  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-14                  ASSOCIATION CANADIENNE-FRANÇAISE DE L'ONTARIO  
Brief to the Committee with respect to appointments in the public sector.

Exhibit No. 47-15                  L'ASSOCIATION CANADIENNE-FRANÇAISE DE L'ONTARIO  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-16                  TERRENCE J. SHEA  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-17      KATHLEEN P. MARTIN  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-18      KATHERINE PETROFF  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-19      ASSOCIATION CANADIENNE-FRANÇAISE DE L'ONTARIO GRAND SUDBURY INC.  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-20      IRENE LEHTINEIMI  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-21      JOHN E. FOX  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-22      MALCOLM CAIRNDUFF  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-23      PATIENTS' RIGHTS ASSOCIATION  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-24      ROBERT D. SLOAN  
Letter to the Committee with respect to appointments in the public sector.

Exhibit No. 47-25      THE PROVINCIAL COUNCIL OF WOMEN OF ONTARIO  
Brief to the Committee with respect to appointments in the public sector.

Exhibit No. 47-26      ECUADORIAN-CANADIAN CULTURAL CENTRE  
OF ONTARIO  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-27      SCARBOROUGH COMMUNITY LEGAL SERVICES  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-28      HAYDEN BLAKE INC.  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-29      CAROLYN COLE  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-30      ROBERTA M. HURD  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-31      H.A. LOUGHEED  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-32      D.F.M. GRITTI  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-33      COALITION OF SOUTH ASIAN LIBERALS  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-34      NATIONAL ASSOCIATION OF CANADIANS OF ORIGIN  
IN INDIA (METRO TORONTO)  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-35      ONTARIO PUBLIC SERVICE EMPLOYEES UNION  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-36      ANN E. MURRAY  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-37      C.G. MANAGEMENT AND COMMUNICATIONS INC.  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-38      NATIONAL CONGRESS OF ITALIAN-CANADIANS  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-39      MUNICIPAL POLICE AUTHORITIES  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-40      ISABELLA O'SHEA  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-41      ONTARIO SCIENCE CENTRE  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-42      BRIAN C. PITKIN  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-43 CHINESE CANADIAN NATIONAL COUNCIL  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-44 JAMES W. BELL  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-45 DONALD L. MARLES  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-46 PETER ZEGOURAS  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-47 KEN McGREGOR  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-48 ZVOOK CORPORATION  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-49 BRANTFORD ETHNOCULTUREFEST  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 47-50 OPSEU/ROM/LOCAL 543  
Brief to the Committee with respect to appointments in  
the public sector.

30 January 1986

Exhibit No. 48

THORNE STEVENSON AND KELLOGG  
Brief to the Committee with respect to appointments in  
the public sector.

6 February 1986

Exhibit No. 49

JOHN CRISPO, UNIVERSITY OF TORONTO  
Brief to the Committee with respect to appointments in  
the public sector.

Exhibit No. 52

H.W. SOMERVILLE  
Letter to the Committee with respect to appointments in  
the public sector.

Exhibit No. 53

MUNICIPAL POLICE COMMISSIONS  
Brief to the Committee with respect to appointments in  
the public sector.

## WITNESSES

Friday, 27 September 1985 - Albany, New York

### Senate of the State of New York:

The Honourable Stephen Sloan  
Secretary of the Senate

Kay Phillips  
Appointments Officer

### Office of the Governor of New York:

Jim McCloskey  
Assistant Appointments Officer to the Governor

Elisabeth Moore  
First Assistant Counsel to the Governor

Audrey Davis  
Deputy Appointments Officer to the Governor

Ken Mackintosh  
Assistant Appointments Officer to the Governor

Monday, 30 September 1985 - Washington, D.C.

### White House Personnel Office:

Robert Tuttle  
Assistant to the President for Personnel

### Office of Counsel to the President:

Dick Hauser  
Deputy Counsel

### Congressional Research Service:

Louis Fisher

Marten Rosenberg

Harold Reylea

Tuesday, 1 October 1985 - Washington, D.C.

**Office of Personnel Management:**

The Honourable Constance Horner  
Director

Stephen K. Thompson  
Manager  
International Liaison Office

**United States Senate Commerce Committee:**

Marguerite D. Ayers  
Director of Administration

**Office of Government Ethics:**

The Honourable Dave Martin  
Director

Thursday, 3 October 1985 - Sacramento, California

**California Senate Rules Committee:**

Nancy Michel  
Appointments Consultant

Rick Rollins  
Staff Consultant

Peter Detwiller  
Policy Consultant

**California Senate Appropriations Committee:**

Steve Larson  
Consultant

**Office of the President pro tem. of the California Senate:**

Lois Jones  
Chief of Protocol

Thursday, 3 October 1985 - Sacramento, California (continued)

**Office of the Legislative Counsel:**

Jack I. Horton  
Deputy Chief Legislative Counsel

**Office of the Governor of California:**

Marvin Baxter  
Appointments Secretary

**California Senate:**

The Honourable Daryl White  
Secretary of the Senate

Thursday, 23 January 1986

**Social Assistance Review Board Study Group:**

Nancy Vander Plaats  
Chairperson

John McKean  
Staff Lawyer  
Flemington Community Legal Services

**ZVOOK Corporation:**

Michael Nitefor  
President

**Ontario Public Service Employees' Union, Local 543:**

Gwendolyn Smith  
Chief Steward

Thursday, 30 January 1986

**Municipal Police Authorities:**

William Dickson  
Acting President

Ken Cousineau  
Executive Director

**The Provincial Council of Women of Ontario:**

Anne Sinclair  
President

Phyllis Kerkhoven  
Chairman, Legislation

**Ontario Public Service Employees' Union:**

James Clancy  
President

Sean Usher  
Division of Education and Campaigns

**Robert D. Sloan**

**Malcolm Cairnduff**

**Brantford Ethnoculturefest:**

Vince Bucci  
President

Nancy Fallis  
Executive Director

Thursday, 6 February 1986

**University of Toronto:**

John Crispo  
Professor, Department of Management Studies

Tuesday, 4 March 1986

**Association Canadienne-Française de l'Ontario:**

Serge Plouffe  
President

Catherine Lengyel  
Director  
Government Relations

Thursday, 20 March 1986 - Austin, Texas

**Senate of the State of Texas:**

The Honourable Roy Blake  
Senator  
Nacogdoches District

The Honourable Betty King  
Secretary of the Senate



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